

IN THE CLAIMS:

Kindly amend claims 9, 10 and 55 as follows. A marked-up version of claims 9, 10 and 55 has been attached showing the changes made to the claims.

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~~9. (Three Times Amended) An isolated DNA fragment containing a region encoding a toluene monooxygenase, wherein the region comprises a first sequence that hybridizes under stringent conditions to a hybridization probe of which nucleotide sequence consists of 463..1455 portion of SEQ ID NO: 1 or a complement thereof, a second sequence that hybridizes under stringent conditions to a hybridization probe of which nucleotide sequence consists of 1495..1761 portion of SEQ ID NO: 1 or a complement thereof, a third sequence that hybridizes under stringent conditions to a hybridization probe of which nucleotide sequence consists of 1803..3350 portion of SEQ ID NO: 1 or a complement thereof, a fourth sequence that hybridizes under stringent conditions to a hybridization probe of which nucleotide sequence consists of 3428..3781 portion of SEQ ID NO: 1 or a complement thereof, and a fifth sequence that hybridizes under stringent conditions to a hybridization probe of which nucleotide sequence consists of 3810..4871 portion of SEQ ID NO: 1 or a complement thereof, and the first to fifth sequences are aligned so that expressed polypeptides can form an active monooxygenase protein.~~

10. (Three Times Amended) An isolated DNA fragment comprising a region that hybridizes under stringent conditions to a hybridization probe of which

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nucleotide sequence consists of 234...443 portion of SEQ ID NO: 1 or a complement thereof.

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55. (Four Times Amended) A recombinant DNA comprising a vector, a promoter, a first DNA fragment being the DNA fragment of any one of claims 6, 7 or 9, and a second DNA fragment, said second DNA fragment comprising a region encoding a polypeptide TomK having an amino acid sequence of SEQ ID NO: 2 and a property to enhance the toluene monooxygenase activity of a protein comprised of at least TomL to TomP; or a region that hybridizes under stringent conditions to a hybridization probe of which nucleotide sequence consists of 463..1455 portion of SEQ ID NO: 1 or a complement thereof, wherein the first DNA fragment containing a toluene monooxygenase encoding region of 4.9 kb or less is functionally connected to the promoter to express an active toluene monooxygenase, and the second DNA fragment is functionally connected to the promoter to express a property to enhance the toluene monooxygenase activity.--

REMARKS

The claims are 1-48 and 55. The claims have been amended to resolve informalities. This paper is in response to the Advisory Action mailed January 2, 2002 (Paper No. 16). It is acknowledged that claims 1 and 2 are allowed.

As requested in the final action, Fig. 15 has now been amended to identify it now as Fig. 1. In addition, the specification has been amended to change the reference to Fig. 15 to read --Fig. 1--. In addition, an earlier reference to Fig. 15 has been deleted.